

DRAFT
MINUTES
RULES COMMITTEE OF THE COMMISSION FOR MH/DD/SAS
HOLIDAY INN NORTH (2805 HIGHWOODS BOULEVARD –
OFF CAPITAL BOULEVARD)

APRIL 2, 2003

Attending:

Commission/Committee Members: Floyd McCullouch, Chair, Pender McElroy, William Sims, Lois Batton, Martha Martinat, Dorothy Crawford, Anna Scheyett, Fredrica Turner Stell, Emily Moore, George Jones, Mansfield Elmore

Ex-Officio Members: Carol Duncan Clayton, Mike Mayer, Joe Donovan, Sally Cameron

Excused: Martha Macon, Don Stedman, Pearl Finch, Albert Fisher

Others: Bob Hedrick, Cindy Kornegay, Susan Collins, Marilyn Brothers, Jack Blackley, Jeff Horton, Erin Drinnin, Jim Jarrard, Don Willis, Ann Rodriguez, Chris Phillips, Stephanie Alexander, Jennifer Mahan, David Swann, Janice Petersen, Kristian Ross-Patchin, John L. Crawford

Handouts: SB 163-Draft Rules (Monitoring); SB 163-Draft Rules (Suspension & Revocation); SB 163-Draft Rules (Communication Protocol); SB 163-Draft Rules (Provider Enrollment); Draft Notice of Public Hearing re SB 163; Copy of Reorganization of APA Rules memo; Rule Tracking Report; Update on Prevention Services

Chair Floyd McCullouch called the meeting to order at 10:00 a.m.

Pender McElroy announced that the Minutes from the October 2, 2002 meeting had been distributed, but need to be approved at the upcoming Rules Committee Meeting in July, 2003.

Floyd introduced Jeff Horton of the Division of Facility Services. Jeff gave an overview of Senate Bill 163, explaining it was passed by the General Assembly last fall in response to community complaints and inquiries regarding the placement of children in group homes and foster care. The legislation gave the Secretary the authority to adopt temporary rules. Therefore, the Department appointed work groups to develop draft rules on monitoring, revocation and suspension of nonlicensed providers, provider enrollment and notification procedures for out of home community placement.

Jeff also gave a brief presentation on the Draft Monitoring Rules 10A NCAC 27G .0601-.0606 (handout).

Jim Jarrard gave the presentation on the Draft Suspension and Revocation Rules 10A NCAC 27C .0501-.0504 (handout).

Stephanie Alexander gave a brief overview of the Communication Protocol relating to SB 163, outlining who will take the lead in notification of placement out of the home community (handout). She also presented the Draft Notification Procedures for Out of Home Community Placement Rule 10A NCAC 27G .0506 (handout).

In the absence of Barbara Brooks, Jeff presented the Division of Medical Assistance's Provider Enrollment Draft Rules 10A NCAC 22N .0101-.0303 (handout).

Janice Petersen presented the update on the Prevention Services, Session Law 2002-126: SB 1115, Special Provision (handout).

Marilyn Brothers gave a follow-up on the issue of professional liability insurance of residential providers which was referred to the Rules Committee by the full Commission at the February 24, 2003 meeting. Medicaid does require for Clinical Nurse Staff, Licensed Psychologists, Nurse Practitioners and Licensed Clinical Social Workers to have at least \$1 million individual and \$3 million advocate professional liability insurance. There is not such a requirement for residential treatment providers. Mike Mayer commented that most providers have had liability insurance because it has been contractually required through their relationships with the Area Programs. It is becoming a major problem for small environment providers, especially those doing AFL (alternative family living arrangements). It is almost impossible to get that insurance right now.

Don Willis gave the Division updates re the Division reorganization, appropriations and the LME cost model. He announced that a grid will be out in a couple of weeks showing team leaders and functions, telephone numbers, etc. which should be helpful in locating Division staff as needed. The Appropriations Committee has begun working on the Division budget. Pender McElroy requested that the presentation on the cost model be an agenda item for the May Commission meeting.

Floyd suggested someone be appointed to attend the Public Hearing on May 7 to give the Rules Committee/Commission endorsement for the SB 163 rules. Pender appointed Floyd. Lois Batton seconded and the motion passed unanimously.

Martha Martinat made a motion that the Rules Committee supports a letter of recommendation in support of increasing taxes on cigarettes and alcohol. Pender seconded the motion and it passed unanimously. The Rules Committee voted in favor of all legislators receiving the letter of support.

The meeting adjourned at 3:00.